

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

LIONELL WEST #1781866  
Plaintiff's Name and ID Number

POLOWSKY UNIT  
Place of Confinement

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MAY 22 2018

CASE NO. 9:18cv90  
(Clerk will assign the number)

BY  
DEPUTY

v. THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE - TDCJ

BROWN, officer Transportation  
Defendant's Name and Address

John Doe, officer Transportation  
Defendant's Name and Address

John Doe, officer Transportation  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

"All the Defendants are  
being sued in their  
individual capacity"

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: February 5, 2015
  2. Parties to previous lawsuit:
 

Plaintiff(s) Lionel West

Defendant(s) Brown, Officers Johnson, John Doe
  3. Court: (If federal, name the district; if state, name the county.) Eastern District, Lufkin
  4. Cause number: 9:17-CV-00158
  5. Name of judge to whom case was assigned: Keith F. Giblin
  6. Disposition: (Was the case dismissed, appealed, still pending?) dismissed
  7. Approximate date of disposition: February 2018

- II. PLACE OF PRESENT CONFINEMENT: POLUNSKY Unit
- III. EXHAUSTION OF GRIEVANCE PROCEDURES: Grievance already with the Court  
Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO  
Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Lionell West, Polunsky Unit  
3876 FM 3501 S Livingston, TX 77351

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Texas Department Justice - TDCJ

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

TDCJ - TDCJ, received money from the federal government for ADA  
offenders.

Defendant #2: Brown, officer Transportation, 21 FM 247  
Huntsville, TX 77320

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

officer, Allowed offenders to come on the Chain Bus with weapons. Allowed  
offenders to come free from Huntsville. Allowed offenders to harm me.

Defendant #3: John Doe, officer Transportation, 21 FM 247  
Huntsville, TX 77320

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

officer, Allowed offenders to come on chain bus with weapons, allow  
offenders to come free from Huntsville, Allowed offenders to harm me.

Defendant #4: John Doe, officer Transportation, 21 FM 247  
Huntsville, TX 77320

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

officer allowed offenders to come on Chain Bus with weapons, Allowed  
offenders to come free from their Huntsville and Assaulted me.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

*See Attachment*

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*see attachment*

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

*Lionell West, Black Jesus*

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

*TDCJ # 01781866*

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): *NA*

2. Case number: *NA*

3. Approximate date sanctions were imposed: *NA*

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

STATEMENT OF CLARENCE

1. Officers that work TEXAS DEPARTMENT OF CRIMINAL JUSTICE TRANSPORTATION holds the Responsibility of Making Sure offenders that is placed on the Chain Bus, don't have weapons and Restraints Are properly place on the offenders.
2. ON July 26, 2017. The three officers that working transportation did Allow two offenders, to come on the Chain Bus, with weapons.
3. While on the Chain Bus, two offenders did free their hands, from their handcuffs.
4. Once I saw the offenders pull weapons from the Strap on his Arm, I Called the Bus officers.
5. ON July 26, 2017. I was badly Assaulted by the two offenders, that freed their hands from their handcuffs.
6. I was stuck, in the neck by one of the offender, while the second offender, used A Razor blade to cut me.

7. While the two offenders was doing their best to Kill me, the officers on the Chain Bus, only turn their heads And Act like they didn't Care what was happening to me.
8. At No time did any one of the officers Make An Attempt to Stop the offenders from harming me
9. While the officers, witness me being Assaulted, they only, pretend not to Notice the incident.
10. At No time ~~what~~ did the officers Call 911 OR seek help for me.
11. Only when the Chain Bus, Arrived at the Gib Lewis Unit, was additional officials Called.
12. I was the first offender to get off the Bus.
13. Once the officers, witness the weapon planted deep inside my neck, only then did the Chain-Bus, officers. Make A ~~flaw~~ false statement.

14. The Bus officers, claimed that I was the one that stuck myself in the neck.
15. However, because the other two offenders got off the Bus, with no handcuffs on, only then did it become clear to the other officers what had happen.
16. The officers, did Attempt to lie in which to cover up their violations.
17. Because the seriousness of my injury I was Rushed to the hospital in Tyler TX.
18. Once At the Tyler hospital, it was then determined by the Doctor, they couldn't Remove the weapon from my neck.
19. I was then Rushed to the Fort Sealy hospital in Galveston, TX. It was only then after surgery, the weapon was Removed from my neck.
20. It was because of the failure of the officers, to thoroughly shake

down the offenders, before placing them on the Chain Bus, is what enable them two offenders to bring their weapons on the Chain Bus.

21. It's also important to point out, because one of the offender was classified High Profile. That offender, by policy was never to ride the Chain Bus with other offenders.

this is the conclusion of my statement.

Verification

I have read the foregoing complaint and hereby verify that the matter alleged therein are true and correct.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 15 day of  
MAY 2018



Lionell West  
LIONELL WEST  
TDCJ # 1781866




PRAYER FOR RELIEF

WHEREFORE, Plaintiff West, respectfully  
PRAY that this Court enter judgement:

1. Granting Plaintiff West, A Declaration  
that the Acts AND omissions described  
herein violate his Rights under the  
Constitution Laws of the United States,  
And
2. Plaintiff Seek Compensatory damages  
of the Amount of \$100,000 Against  
the Texas Department of Criminal Justice.
3. Plaintiff Seek Compensatory damages of  
the Amount of \$250,000 Against  
defendant Brown, and \$50,000 AND  
punitive damages.
4. Plaintiff Seek Compensatory damages of  
the Amount of \$250,000 Against defendant  
John Doe, AND \$50,000 for punitive damages.
5. Plaintiff Seek Compensatory damages of  
the Amount of \$250,000 Against defendant  
John Doe, AND \$50,000 for punitive damages.

Signed this 15 day of MAY  
2018

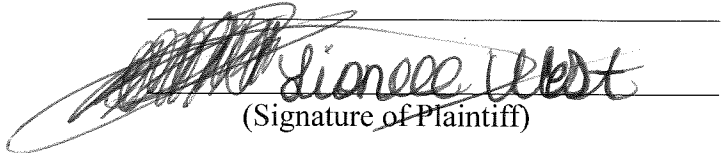
Respectfully Submitted.  
 Dionelle West

C. Has any court ever warned or notified you that sanctions could be imposed? ☒ YES ☐ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): EASTON, Lufkin, TX
2. Case number: 9:17-CV-00158
3. Approximate date warning was issued: 2/1/2018

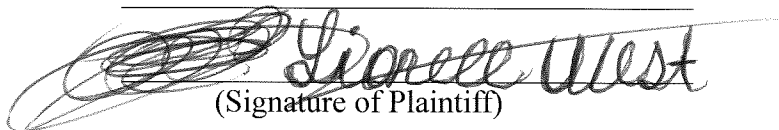
Executed on: 5-15-2018  
DATE

  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 15 day of May, 20 18.  
(Day) (month) (year)

  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

LIONELL WEST  
TDCJ# 01781866

POIUNSKY UNIT

CIVIL ACTION NO.

V.

THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ICD  
BROWN, TRANSPORTATION OFFICER  
JOHN, DOE, TRANSPORTATION OFFICER  
JOHN, DOE, TRANSPORTATION OFFICER  
DEFENDANTS

PLAINTIFF'S CIVIL RIGHTS  
COMPLAINT WITH A JURY DEMAND  
42 U.S.C. 1983 AND THE AMERICANS  
DISABILITIES ACT (ADA)

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LIONELL WEST, PLAINTIFF, PRO-SE  
AN INMATE CONFINED HEREIN THE TDCJ-ICD.  
AND FILES this Civil Rights Lawsuit  
UNDER 42 U.S.C. AND THE AMERICANS  
DISABILITIES ACT (ADA).

Plaintiff West, suffer from mental disorders and at the present time being treated here at the polunsky unit. This Action consist of federal and state laws violations. Plaintiff is seeking punitive and compensatory damages, for the violations of his constitutional rights.

Plaintiff is also seeking a declaratory judgement.

Plaintiff West. Request pursuant to Rule 38 Fed. R. Civ. P "A TRIAL BY JURY."

### JURISDICTION & VENUE

This is a civil action authorized by 42 U.S.C Section 1983 and The Americans with Disabilities Act (ADA). To redress the deprivation, under color of state laws of rights secured by the constitution of the United States. This court has jurisdiction under 28 U.S.C section 1331 and 1343 (A)(30). Plaintiff seek declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.

Plaintiff would also request that this court invoke all pendent jurisdiction to all state related claims in which violates federal laws.

## All PARTIES:

1. Lionell West, plaintiff, confined here at the POLUNSKY Unit, 3872 FM 350, S Livingston, TX 77351
2. TEXAS Department of Criminal Justice - ICD
3. Brown, Transportation Officer, AT 21 FM 247 Huntsville, TX 77320
4. JOHN DOE, Transportation Officer, AT 21 FM 247 Huntsville, TX 77320
5. JOHN DOE, Transportation Officer, AT 21 FM 247 Huntsville, TX 77320

All the Above defendants can be served with a copy of this Complaint from the office of the Attorney General

Signed this 15 day of MAY  
2018



Lionell West  
IDCT# 01781866  
POLUNSKY Unit  
3872 FM 350, S  
Livingston, TX 77351

Lionell West

Mr. David J. Maland  
USDC Clerk  
104 N 3rd St  
Lubbock, TX 79401

IF Screenshot

Lionel West  
TDCJ #170866  
Polinsky Unit  
3872 FM 3505  
Lubbock, TX 79431